

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SHARON WALLS,

Plaintiff,

Case No. 09-14104

v.

HONORABLE DENISE PAGE HOOD

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION

I. INTRODUCTION

This matter is before the Court on Magistrate Judge Donald A. Scheer's Report and Recommendation, dated April 26, 2010. No objections have been filed. Plaintiff filed a Complaint in this matter on October 16, 2009, 208 days after receiving a Notice of Appeals Council Action denying Plaintiff's request for review of a denial of disability benefits. Along with the Complaint, Plaintiff filed an Ex Parte Motion to Allow Plaintiff to File Complaint Untimely. The Magistrate Judge recommends dismissing the Complaint *sua sponte*, for failure to commence the action within 60 days after receipt of the final decision of the Commissioner.

The Court finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Plaintiff admittedly filed her Complaint after the 60-day period required for judicial review. This Court agrees with the Magistrate Judge that there are no extraordinary circumstances in this case warranting a tolling of the limitations period.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Donald A.

Scheer's Report and Recommendation [**Docket No. 5, filed on April 26, 2010**] is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Ex Parte Motion to Allow Plaintiff to File Complaint Untimely [**Docket No. 1, filed on October 16, 2009**] is DENIED.

IT IS FURTHER ORDERED that this cause of action is DISMISSED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: July 30, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 30, 2010, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager